WPMB No. 151 0f 2003

Hon. Irshad Hussain, J.
Hon. M.M.Ghildiyal,J.

Heard Sri Sandeep Tandon, learned counsel for the petitioners.

This is a petition for quashing of the order dated 10.02.2003 (Annexure 9 to the writ petition), whereby the learned C.J.M. had taken coercive measures against the petitioners to ensure their attendance in the criminal proceedings. The petitioners have challenged the order passed under section 156(3) of the Code of Criminal Procedure before the learned Sessions Judge and according to the learned counsel for the petitioners, the record of the case from the Court of C.J.M. was summoned by the learned Sessions Judge and the petitioners were putting in their appearance before the learned Sessions Judge. Learned counsel argued that despite this, the learned C.J.M. had issued non-bailable warrant.

Since the learned Sessions Judge was ceased of the matter, the petitioners could have very well moved an application before the learned Sessions Judge instead of filing the present petition and since the appropriate remedy was available to the petitioners, we do not propose to entertain the petition and the same is dismissed accordingly. The petitioners are at liberty to move an application before the learned Sessions Judge against the order said to have been passed by the learned C.J.M.

(Irshad Hussain,J.) **(M.M.Ghildiyal,J.)**
05.03.03./B.